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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MARIA S. ALVAREZ,

Defendant and Appellant.

D052981

(Super. Ct. No. SCD209081)

APPEAL from a judgment of the Superior Court of San Diego County, Leo Valentine, Jr., Judge. Affirmed.

A jury convicted Maria S. Alvarez of possessing methamphetamine for sale (Health & Saf. Code, § 11378).¹ In a separate proceeding, the trial court found Alvarez previously had been convicted of violating section 11379 within the meaning of section 11370.2, subdivision (c), and Penal Code section 1203.07, subdivision (a)(11). The court also found that Alvarez had one prior serious/violent felony or strike conviction (Pen. Code, § 667, subds. (b)-(i)) and had served three prior prison terms (Pen. Code, § 667.5,

¹ Statutory references are to the Health and Safety Code unless otherwise specified.

subd. (b)). After striking the section 11370.2, subdivision (c) allegation and one of the prior prison term allegations, the court sentenced Alvarez to six years in prison. The court imposed the middle term of two years on the possession for sale count doubled under the "Three Strikes" law plus two one-year enhancements for the remaining prior prison term allegations.

FACTS

On September 14, 2007, San Diego Police Officer Christopher Luth responded to a report of a burglary in progress on 37th Street. Luth observed Alvarez and two other individuals loading items from a garage into a pickup truck. Alvarez approached Luth and explained to him that she was removing her own belongings and her companions were helping her. Luth telephoned the reporting party and asked that he come to the location. Luth also ran a records check of Alvarez and her two companions, which showed that Alvarez was to be detained. At that point, Luth handcuffed Alvarez.²

When the reporting party arrived and confirmed that the property belonged to Alvarez, Luth concluded there was no burglary and released Alvarez's two companions, who had been cleared by the records check.

Police Officer Linda Vasquez conducted a search incident to arrest and found a plastic baggie containing three separate baggies containing a total 10.02 grams of

² At the hearing on Alvarez's motion to suppress evidence, testimony showed that the records check revealed Alvarez was a felon who previously had been deported and the Border Patrol had requested that she be detained and a particular agent be notified. Lutz notified the Border Patrol agent, who immediately went to the location and arrested Alvarez. At trial, the reason for the detention was not put into evidence.

methamphetamine near Alvarez's waistband. Vasquez also recovered two small plastic baggies inside Alvarez's pants pocket.

Police Officer Michael Beamesderfer, who specializes in narcotics-related offenses, opined that the methamphetamine was likely held for sale based on the amount seized.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable, issues: (1) whether the trial court abused its discretion by declining to strike Alvarez's prior strike conviction; (2) whether the court erred by refusing to dismiss the information; (3) whether the trial court erred by denying Alvarez's motion to suppress evidence; and (4) whether there was sufficient evidence to support the possession for sale conviction.

We granted Alvarez permission to file a brief on her own behalf. She has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented Alvarez on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

HALLER, J.

O'ROURKE, J.